



Swarthmore
TOWN CENTER, INC.



Accessibility Forum



Tuesday, April 13, 2021, 7 -8 p.m.

Agenda

Welcome and Introduction

Samina Iqbal, AIA, Swarthmore Resident – 10 min

Key Elements of ADA

Rocco Iacullo, Attorney, Disability Rights PA – 30 min

Questions and Discussion

20 min

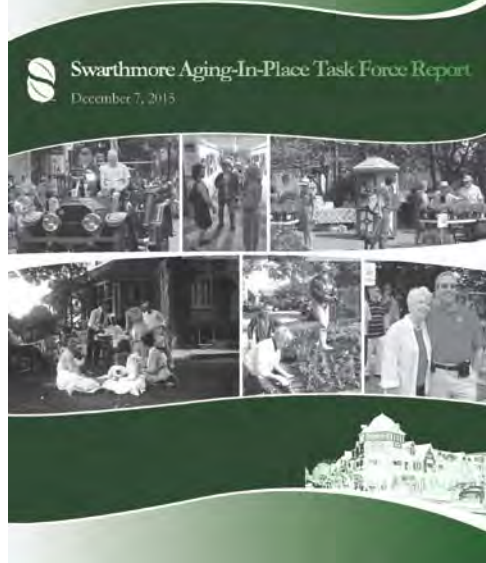
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Introduction



RAMP AT CENTRAL PARK, Swarthmore Centennial Foundation, CuetoKEARNY Architects, 2016

Introduction



Social Engagement Recommendation #9. Encourage synergies among local organizations that already serve, can serve, older adults in the community, such as the Swarthmore Community Center, Swarthmore CofE, Wallingford Swarthmore Community Classes and The Schoolhouse Center.

Implementation recommendations:

- Initiate a consortium of existing local organizations and institutions to coordinate information, services and programming for older adults.
- Encourage educational organizations, such as Wallingford Swarthmore Community Classes, to make daytime programming that might be enjoyed by older adults.
- Request that the Schoolhouse Center bring occasional programs into Swarthmore to give Swarthmore residents with an in-town activity and to market the Schoolhouse Center to the community.
- Determine whether existing social facilities could be modified to better facilitate regular social interaction and provide accessible space for programming.

Health and Safety Recommendation #10. Promote the health and safety of older residents.

Implementation recommendations:

- Identify an appropriate referral source that Swarthmoreans could use to find health care providers who will visit patients in their homes, including consulting with the Borough's Public Health Officer, Dr. Jo Crawford.
- Implement a volunteer-staffed "friendly caller" program to make daily phone calls to check on 65+ elders who are living alone.
- Work with the Police Department to:
 - Create a data base to provide for the safety of elders or disabled persons who are prone to wandering.
 - Provide forms and information about a "Vial of Life" program, to facilitate the preparation of health information about frail elders, to attach to their refrigerators and be immediately available to emergency personnel.
 - Establish a program to enable elders to provide the police with information about how they gain access to their homes in the event of an emergency.
- Collaborate with other agencies to sponsor social activities and health and safety-related programs.
- Develop a web page, phone number, and/or a kiosk in Borough Hall, where elders can obtain information about health and safety-related services.
- Recognizing the adverse health effects of isolation, encourage social outlets such as the Lathroping The Dew Drop Inn, and the School House Senior Center with financial support if necessary.
- Ensure that Swarthmore Emergency Medical Services remain available.

Health and Safety / Transportation and Mobility Recommendation #11. Improve pedestrian and driver safety.

Implementation recommendations:

- Prioritize crossing times and road markings at key pedestrian crossings such as Chester Road - Collis Avenue, and Baltimore Pike - Riverside Road and Swarthmore Avenue.
- Expand the responsibilities of the sidewalk code enforcement officer to include inspecting i) walkability of sidewalks, providing public education, and coordinating with construction contractors to install temporary barriers.
- Continue enforcement efforts and improvement measures to calm traffic on roadways of concern is as Yale Avenue, Swarthmore Avenue and Chester Road.

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EXISTING TRANSPORTATION AND MOBILITY CONDITIONS

Walking and Bicycling

Swarthmore is very attractive as a suburb that is as pedestrian-friendly as it is, a rarity among American suburbs. C the way Swarthmore website, which provides a walk score for any given address, addresses close to Town Center (121 Park Avenue, for example) receive a walk score of 68, which is "Somewhat Walkable". Addresses on the periphery of the Borough but the north end of Riverside Road, for example receive a lower walk score of 41, who falls into the category of "Car Dependent". This reflects that near Town Center some activities including grocery shopping and errands can be accomplished within a 5 to 10 minute walk. Swarthmore is approximately half mile long in the north-south direction and 1.5 miles east to west, so walks to destinations in Town Center may take one mile. The Transportation Subcommittee feels that the maximum walkable distance for seniors conducting day living activities is a half-mile.



Swarthmore Aging-In-Place Task Force Map with approximate 1/2 mile walkable radius from the train station's check box for larger version.

TRANSPORTATION AND MOBILITY 3

Transportation and Mobility Recommendation #13. Explore systems to provide vehicular transportation to key destinations within and just beyond Swarthmore, to improve the independence and engagement of people who have difficulty driving, walking, or independently accessing public transportation.

Implementation recommendations:

- Launch support toward organizing a volunteer-based driver service, such as the TimeBank Media system.
- Establish an inter-municipal shuttle that could take destinations like the Schoolhouse Center, the Wallingford Arts Center, grocery stores, or Media on a regular or event schedule.
- Consider subsidizing a multi-municipal 3-5 tax service for qualifying riders.
- Work with Swarthmore College to organize a Swarthmore College event van service.

Housing Recommendation #15. Encourage the creation of a range of affordable housing options near downtown.

Implementation recommendations:

- Through planning, zoning and tax incentives, facilitate adding low-maintenance, affordable townhomes and apartments within a half-mile of the train station.
- Consider expanding multi-use buildings owned of the Town Center to provide additional housing and parking solutions.
- Through planning, zoning and tax incentives, encourage the establishment of one or more senior living communities, such as a Naturally Occurring Retirement Community (NORC), an Intergenerational Community (Intergen), or a Green House (a group assisted living home).

Housing Recommendation #17. Provide opportunities for diverse housing options throughout Swarthmore.

Implementation recommendations:

- Modify zoning to allow a mother-in-law apartment (Accessory Dwelling Unit) in a single-family home or in a separate building such as a garage.
- Subject to localities, change the zoning regulations to allow the conversion of large homes into apartments or condominiums.
- Consider a provision to allow temporary elder housing such as "granny pods".

Housing Recommendation #18. Increase awareness of housing accessibility through education; modify Borough regulations to improve accessibility of homes.

Implementation recommendations:

- Expand the Borough's work to include details on "livability" and how to make a home accessible.
- Actively disseminate accessibility information to realtors, new home buyers, contractors licensed by the Borough, and through the land development and building permit process.
- Waive the Use and Occupancy Permit requirements as many accessibility features as possible.
- Allocate a small portion of the building permit fee to promote and implement accessibility and aging-in-place in Swarthmore.
- For homeowners, provide a Validity Design Tax Credit. For a builder or a developer, consider tax incentives for providing a percentage of accessible and affordable housing, or grant floor area ratio bonuses when accessibility elements are incorporated. An impact fee for accessibility might also be considered.

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RECOMMENDATION SUMMARY 6

process of being implemented. Several new sidewalks are also being installed. The roundabout constructed in 2015 at Rutgers Avenue and Chester Road reduced the width of the roadway pedestrian crossing.



New roundabout and tree at Swarthmore College construction at Chester Road/Rutgers 320 and Rutgers Avenue. Pedestrian crossing distance between side street crossing islands are shorter than the previous crossing's entire road width, and truncated double detectable warning strips were added for those who are visually impaired.

The Aging-in-Place Task Force is hopeful that once these changes are implemented, some of the concerns about the difficulty walking at these intersections will be much improved. However, the Task Force stresses that walkability is a key need of older adults, and ongoing evaluations and improvements should be made. In fact, in her presentation at the Housing Forum, Beth Morris shared her survey finding that Swarthmoreans in their 50's and 60's named good walkability as their highest consideration in planning to remain in Swarthmore.

Swarthmore College offers walking pathways and many tree cultural events that are desirable destinations. However, the Subcommittee heard from many older Swarthmoreans about the difficulty of getting to the College. The underpass at the train station has many stairs and the buildings are mostly situated up a long hill. On-campus parking is limited, as the College discourages car use on the campus. At the Social Engagement Forum a request was made for the College to consider providing a van pick-up and drop-off service, but the College official present cautioned that liability could be a limiting factor.

Despite efforts to improve bike signage and navigability in Swarthmore, the primary roads lack shoulders wide enough to promote safe bicycling.



The long hill from Swarthmore Train Station to the College is a challenge walk for the mobility-challenged people, making attendance at Swarthmore College's many cultural events difficult for some people.

TRANSPORTATION AND MOBILITY 36

- Using older-driver federal guidelines, evaluate and implement safety features such as increasing the size of letters on signs, installing overhead street markings on major roadways, and making roadway markings more visible.
- Update the Borough's regulatory ordinances to redefine and apply clear sight triangles to road intersections with priority given to major intersections on Swarthmore Avenue, Chester Road, and Yale Avenue, and other well-traveled routes. Similarly, pass a new ordinance to apply clear sight triangles to existing driveways to increase pedestrian safety.

Transportation and Mobility Recommendation #12. Improve the pedestrian connectivity between destinations by making improvements to existing pedestrian routes and creating new ones.

Implementation recommendations:

- To better connect the north and south sections of Swarthmore at an important transit junction, work with SEPTA and Swarthmore College to make the Swarthmore Train Station underpass accessible.
- Continue to prioritize and implement sidewalks and curb cut improvements, especially those that may not be constructed in the immediate future such as a Riverside Road sidewalk.
- Cooperate with the College to reinforce connections to and from the College with consideration given to publicizing an accessible path within the College incorporating key destinations on the campus and in the sub-urban.
- Actively pursue connectivity goals with adjacent municipalities, such as new pedestrian connections between Swarthmore, Plum Ash, the Community Arts Center, and the Laurel Trail.
- Provide amenities such as benches, lighting, and shade trees along key pedestrian routes, especially within the 1/2 mile walkability radius of the train station.

Transportation and Mobility Recommendation #13. Increase accessibility in the Town Center and throughout Swarthmore.

Implementation recommendations:

- Improve accessibility to downtown businesses by providing portable ramp information, requiring that a contact phone number be posted on the outside of each public building, and subsidizing the installation of ramps parallel to building front entries that have three or more steps.
- Conduct periodic outreach and education programs for businesses and property owners on compliance with current accessibility laws, including the Building Code and the Americans with Disabilities Act, and provide tax credits to help offset other accessibility improvements.
- Require a minimum 4-foot width for new and replaced sidewalks where feasible.
- Provide awareness and understanding by including safety and accessibility regulatory information and graphics on the Borough's website, with links for other resources.
- Seek grants to make Swarthmore and its businesses more accessible.

Transportation and Mobility Recommendation #14. Improve and promote public transportation and accessibility.

Implementation recommendations:

- Work with established transportation organizations such as SEPTA and Community Transit to increase public transit use through education, pilot use programs, and provide amenities such as covered bus stops on Chester Road at College and Fairview Avenues.
- Work with SEPTA to make the Swarthmore Train Station underpass accessible.
- Work with SEPTA to explore increasing the elevated areas of the platform to aid in boarding and disembarking from the first step of the train.

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Swarthmore's sidewalks are often obstructed by shrubbery that has not been kept trimmed, or they are uneven or breaking due to tree roots and freeze/thaw cycles. Also, since many roads do not have shoulders, temporary detour signs are placed in the middle of sidewalks, rendering them impossible for people in wheelchairs. With many areas having sidewalks on only one side of the street, navigating through the obstacles on the ground can be treacherous.

The roads in Swarthmore have speed limits of 25 to 35 mph. However, speeding motorists continue to endanger the safety of pedestrians and bicyclists. At vehicle-to-pedestrian intersections, motorists routinely ignore the signals making pedestrians and bicyclists who are trying to cross the road wait for long periods of time. The Borough is installing Red Rectangular Flashing Beacons (RRFB) at some intersections.



At the intersection of Chester Road/Route 320 and Harvard Avenue, a key pedestrian crossing linking Swarthmore downtown to the Swarthmore Community Center is currently difficult. This intersection is scheduled for improvements with new sidewalks, crosswalks, Red Rectangular Flashing Beacons (RRFB), and ADA-compliant sidewalks and ramps.

The Task Force heard concerns from older Swarthmoreans about the lack of adequate lighting on walking paths, even in areas close to Town Center. Requesting residents' concerns for light pollution, a technical lighting analysis on key pathways should be conducted to determine if lighting levels could be improved, particularly for navigability for residents and visitors with eyesight challenges.

Recognizing that walkability is a key quality-of-life factor that Swarthmoreans value, the Borough formulated the 2020 Bike and Pedestrian Task Force (BPTF) to study bike and walking routes. The BPTF report led to the Borough receiving a grant to create the mid-depth 2023 Bike and Pedestrian Accessibility Master Plan. Important street crossings at Yale and Rutgers, Harvard and Yale, and Chester Road and Harvard were included in this plan as the plan in the plan.

I started engaging with accessibility in Swarthmore in 2015 as part of the Aging-in-Place Task Force.

Key Elements of ADA

What is a public accommodation?

What is the ongoing obligation for barrier removal mean?

What is meant by “readily achievable? “

What is the prioritized list of barrier removal steps?

- Providing access to enter

- Providing access to goods and services

- Providing access to public bathrooms

- Removing barriers to other public amenities

The consequences for non-compliance

Common barriers situations and how barrier removal might be accomplished

Federal tax credit available for businesses with less than \$1 million in revenue

50% of modification for expenditure of up to \$10,250 for a maximum \$5000 credit. Also tax deduction for barrier removal.

Key Elements of ADA



DISABILITY RIGHTS
PENNSYLVANIA

Protecting and Advancing the Rights of People with Disabilities

Rocco Iacullo, Attorney with Disability Rights PA



DISABILITY RIGHTS
PENNSYLVANIA

Title III of the Americans with Disabilities Act (ADA): “Readily Achievable Barrier Removal”

www.disabilityrightspa.org

Rocco J. Iacullo
Staff Attorney

Title III of the ADA

- Applies to Public Accommodations
- Examples of Covered Public Accommodations:
 - Hotels or other places of lodging,
 - Restaurants, bars, or food or drink service establishments;
 - Movie theaters, stadiums, arenas, concert halls or other places of entertainment;
 - Grocery stores, clothing store, shopping center, or other sales or rental establishment;
 - Private schools, colleges and universities

ADA Key Non-Discrimination Mandates

- Prohibits denial of people with disabilities from the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.
- Requires the provision of reasonable modifications of policies, practices, and procedures
- Must provide auxiliary aids and services to people with vision and hearing impairments to ensure effective communication
- Protections for service animals
- No surcharges for reasonable accommodations

ADA Title III Accessibility Requirements for Existing Facilities

- A public accommodation must remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, *i.e.*, easily accomplishable and able to be carried out without much difficulty or expense.
- “Readily Achievable Barrier Removal” standard

“What is Readily Achievable”

- Easily accomplishable and able to be carried out without much difficulty or expense
- Factors:
 - (1) The nature and cost of the action;
 - (2) The overall financial resources of the site or sites; the number of persons employed at the site; the effect on expenses and resources; and overall impact on operations;
 - (3) The geographic separateness, and the administrative or fiscal relationship to any parent corporation or entity;
 - (4) Overall financial resources of any parent corporation or entity;
 - (5) The type of operation or operations of any parent corporation or entity.

Examples of barrier removal

- Installing ramps
- Making curb cuts in sidewalks and entrances
- Repositioning shelves
- Rearranging tables, chairs, vending machines, display racks, and other furniture
- Widening doorways
- Installing accessible parking spaces

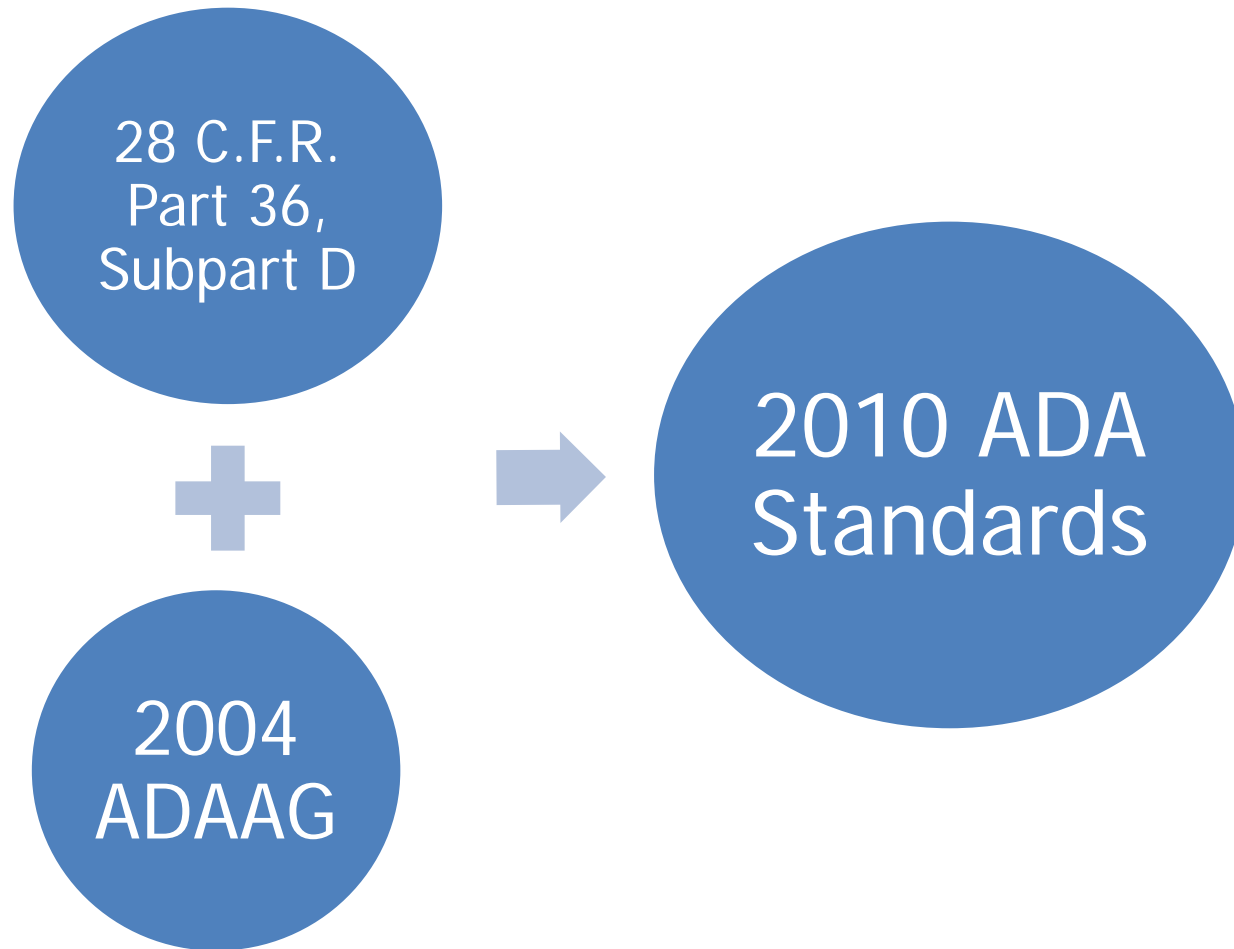
Barrier Removal Priorities

- “Getting Through the Door”
- Highest priority is given to taking measures that will enable individuals with disabilities to physically enter a place of public accommodation.
- Other priorities: provide access to areas where goods and services are made available to the public; take measures to provide access to restroom facilities; and any other measures necessary to provide access to the goods and services.

2010 ADA Standards for Accessible Design

- Any measures taken to comply with the readily achievable barrier removal requirement must comply with the ADA alteration requirements and the 2010 Standards for Accessible Design.

2010 ADA Standards:



Flexibility

- If it is not readily achievable to fully comply with the 2010 Accessibility Standards, a public accommodation may take other readily achievable measures to remove the barrier that do not fully comply with the specified requirements.
- Such measures include providing a ramp with a steeper slope or widening a doorway to a narrower width than that mandated by the alterations requirements.
- However, no measure shall be taken that poses a significant risk to the health or safety of individuals with disabilities or others.

Portable Ramps

- Portable ramps should only be used to comply with the ADA when installation of a permanent ramp is not readily achievable.
- In order to avoid any significant risk to the health or safety of individuals with disabilities or others in using portable ramps, due consideration shall be given to safety features such as nonslip surfaces, railings, anchoring, and strength of materials.

Alternatives to Barrier Removal

- Only where a public accommodation can demonstrate that barrier removal is not readily achievable, does the ADA allow a public accommodation to make its goods, services, facilities, privileges, advantages, or accommodations available through alternative methods.
- Examples of alternatives to barrier removal include, but are not limited to:
 - (1) Providing curbside service or home delivery;
 - (2) Retrieving merchandise from inaccessible shelves or racks;
 - (3) Relocating activities to accessible locations.

No Grandfathering

- Obligation to remove barriers when readily achievable to do so is an ongoing obligation.
- Public accommodations are not grandfathered due to age or status of being located in an existing building
- Only analysis is whether it is readily achievable to remove barriers
- Safe Harbor: Elements in existing facilities do not need to be modified to comply with the 2010 Standards if: the element complies with the 1991 Standards and the element has not been altered after March 12, 2011.

Federal Tax Credits and Deductions

- Tax credit is available to businesses that have total revenues of \$1,000,000 or less in the previous tax year or 30 or fewer full-time employees. Can cover 50% of the eligible access expenditures in a year up to \$10,250 (maximum credit of \$5000). The tax credit can be used to offset the cost of undertaking barrier removal and alterations to improve accessibility.
- The tax deduction is available to all businesses with a maximum deduction of \$15,000 per year. The tax deduction can be claimed for expenses incurred in barrier removal and alterations.

Additional Information

U.S. Department of Justice

ADA Website

www.ADA.gov

ADA Information Line

800-514-0301 (Voice)

800-514-0383 (TTY)

Key Elements of ADA

What is a public accommodation?

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



Americans with Disabilities Act

ADA Update: A Primer for Small Business



Who is Covered by the ADA?

Businesses that provide goods or services to the public are called "public accommodations" in the ADA. The ADA establishes requirements for 12 categories of public accommodations, which include stores, restaurants, bars, service establishments, theaters, hotels, recreational facilities, private museums and schools, doctors' and dentists' offices, shopping malls, and other businesses. Nearly all types of businesses that serve the public are included in the 12 categories, regardless of the size of the business or the age of their buildings. Businesses covered by the ADA are required to modify their business policies and procedures when necessary to serve customers with disabilities and take steps to communicate effectively with customers with disabilities. The ADA also requires businesses to remove architectural barriers in existing buildings and make sure that newly built or altered facilities are constructed to be accessible to individuals with disabilities. "Grandfather provisions" often found in local building codes do not exempt businesses from their obligations under the ADA.

Commercial facilities, such as office buildings, factories, warehouses, or other facilities that do not provide goods or services directly to the public are only subject to the ADA's requirements for new construction and alterations.

Compliance Dates

Businesses need to know two important deadlines for compliance. Starting March 15, 2011, businesses must comply with the ADA's general nondiscrimination requirements, including provisions related to policies and procedures and effective communication. The deadline for complying with the 2010 Standards, which detail the technical rules for building accessibility, is March 15, 2012. This delay in implementation was provided to allow businesses sufficient time to plan for implementing the new requirements for facilities. In addition, hotels, motels, and inns have until March 15, 2012, to update their reservation policies and systems to make them fully accessible to people with disabilities.

Compliance Dates	
March 15, 2011	General Non-Discrimination Requirements
March 15, 2012	Hotel Reservation Policies
March 15, 2012	2010 Standards

For additional details, see *ADA 2010 Revised Requirements: Effective Date/ Compliance Date* at www.ada.gov/revised_effective_dates-2010.htm.

Key Elements of ADA

What is the ongoing obligation for barrier removal mean?

MAKING THE BUILT ENVIRONMENT ACCESSIBLE

The ADA's regulations and the ADA Standards for Accessible Design, originally published in 1991, set the minimum standard for what makes a facility accessible. Only elements that are built-in (fixed in place) are addressed in the Standards. While the updated 2010 Standards, which became effective on March 15, 2012, retain many of the original provisions in the 1991 Standards, there are some significant differences. The Standards are used when determining if a public entity's programs or services are accessible under the ADA. However, they apply differently depending on whether the entity is providing access to programs or services in existing facilities or is altering an existing facility or building a new facility.

Access to Programs and Services in Existing Facilities

Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. There is no "grandfather clause" in the ADA that exempts older facilities. However, the law strikes a careful balance between increasing access for people with disabilities and recognizing the constraints many public entities face. It allows entities confronted with limited financial resources to improve accessibility without excessive expense.

In the years since the ADA took effect, public facilities have become increasingly accessible. In the event that changes still need to be made, there is flexibility in deciding how to meet this obligation – structural changes can be made to provide access, the program or service can be relocated to an accessible facility, or the program or service can be provided in an alternate manner. For example:

- In an elementary school without an elevator, a teacher can be assigned to a first floor classroom if the class includes a student with a mobility disability.
- A social service agency located in an inaccessible facility can make arrangements to meet with an applicant or client with a mobility disability at an alternate location that is accessible.
- If an application for a particular city program must be made in person at an inaccessible office, the city could allow a person with a mobility disability to complete and submit the application by mail or email.
- If a public library is inaccessible, staff can provide curb-side service for a patron with a mobility disability to check out and return books.
- Structural changes are not required where other solutions are feasible. However, where other solutions are not feasible, structural changes are required. When structural change is the method chosen to make a program or service accessible, the changes must meet the requirements of the 2010 ADA Standards, unless it is technically infeasible to do so. When full compliance is not technically feasible, the changes must follow the Standards to the maximum extent feasible. For example, if there is not enough space to install a ramp with a slope that complies with the Standards, a public entity may install a ramp with a slightly steeper slope. However, deviations from the Standards must not pose a significant safety risk. In addition, public entities are not required to take any action that would threaten or destroy the historic significance of an historic property.

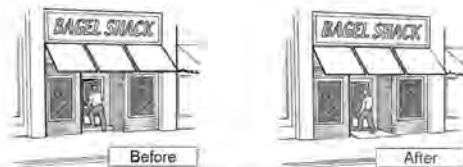
Whatever method is chosen, the public entity must ensure that people with disabilities have access to programs and services under the same terms and conditions as other people. For example:

- If a social service agency meets with clients in a private office on the second floor of a building without an elevator, a public area on the first floor is not an acceptable alternate location to meet with a client who has a mobility disability. The alternate location must provide the same degree of privacy as the regular location.
- If a court has ordered a person with a mobility disability to participate in a group anger-management program, and the program is located in an inaccessible facility, it is not acceptable to offer the program to him individually in an accessible location, because the group interaction is a critical component of the program.

There are limits to a public entity's program access obligations. Entities are not required to take any action that would result in undue financial and administrative burdens. The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

Key Elements of ADA

What is meant by “readily achievable?”



Removing barriers, such as a step to an entrance, is required when readily achievable.

Determining what is readily achievable will vary from business to business and sometimes from one year to the next. Changing economic conditions can be taken into consideration in determining what is readily achievable. Economic downturns may force many public accommodations to postpone removing some barriers. The barrier removal obligation is a continuing one and it is expected that a business will move forward with its barrier removal efforts when it rebounds from such downturns. For example, if a restaurant identified barriers under the 1991 Standards but did not remove them because it could not afford the cost, the restaurant has a continuing obligation to remove those barriers when it has the financial resources to do so.

Barrier Removal Before March 15, 2012

Businesses removing barriers before March 15, 2012, have the choice of using either the 1991 Standards or the 2010 Standards. You must use only one standard for removing barriers in an entire facility. For example, you cannot choose the 1991 Standards for accessible routes and the 2010 Standards for restrooms. (See, *ADA 2010 Revised Requirements: Effective Date/ Compliance Date* at www.ada.gov/revised_effective_dates-2010.htm). Remember that if an element complies with the 1991 Standards, a business is not required to make any changes to that element until such time as the business decides to alter that element.

Compliance Dates and Applicable Standards for Readily Achievable Barrier Removal, New Construction, and Alterations	
Compliance Date	Applicable Standard
Until March 15, 2012	1991 Standards or 2010 Standards
On or after March 15, 2012	2010 Standards

Priorities for Barrier Removal

Understanding how customers arrive at and move through your business will go a long way in identifying existing barriers and setting priorities for their removal. Do people arrive on foot, by car, or by public transportation? Do you provide parking? How do customers enter and move about your business? The ADA regulations recommend the following priorities for barrier removal:

Key Elements of ADA

What is the prioritized list of barrier removal steps?

- Providing access to your business from public sidewalks, parking areas, and public transportation;
- Providing access to the goods and services your business offers;
- Providing access to public restrooms; and
- Removing barriers to other amenities offered to the public, such as drinking fountains.

Businesses should not wait until March 15, 2012 to identify existing barriers, but should begin now to evaluate their facilities and develop priorities for removing barriers. Businesses are also encouraged to consult with people with disabilities in their communities to identify barriers and establish priorities for removing them. A thorough evaluation and barrier removal plan, developed in consultation with the disability community, can save time and resources.

In some instances, especially in older buildings, it may not be readily achievable to remove some architectural barriers. For example, a restaurant with several steps leading to its entrance may determine that it cannot afford to install a ramp or a lift. In this situation, the restaurant must provide its services in another way if that is readily achievable, such as providing takeout service. Businesses should train staff on these alternatives and publicize them so customers with disabilities will know of their availability and how to access them.



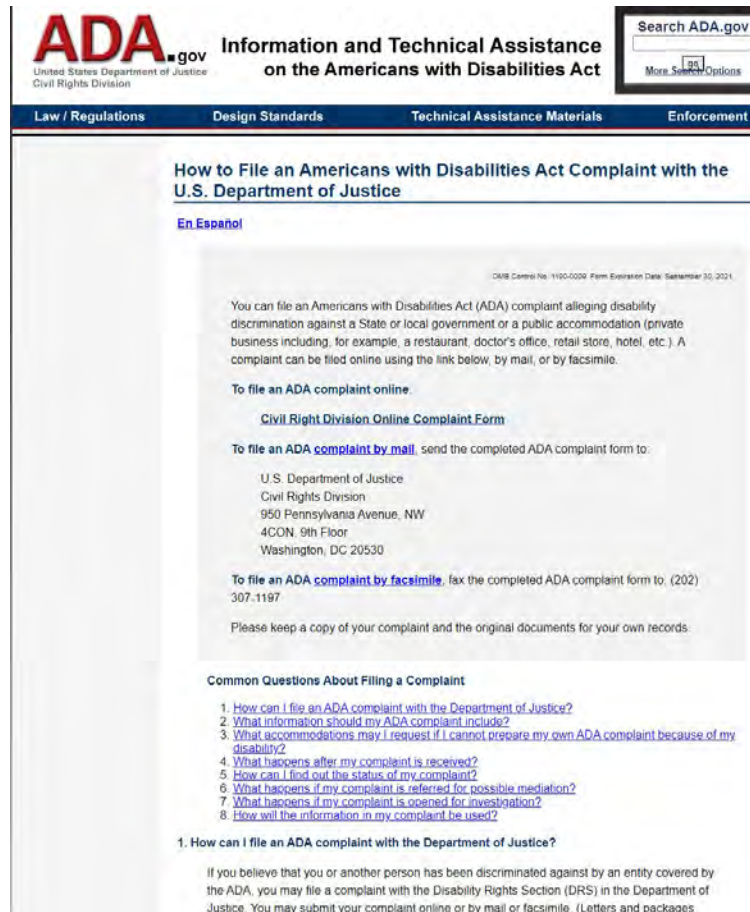
When barrier removal is not possible, alternatives such as curbside service should be provided.

Parking

If your business provides parking for the public, but there are no accessible spaces, you will lose potential customers. You must provide accessible parking spaces for cars and vans if it is readily achievable to do so. The chart below indicates the number of accessible spaces required by the 2010 Standards. One of every six spaces must be van accessible.

Key Elements of ADA

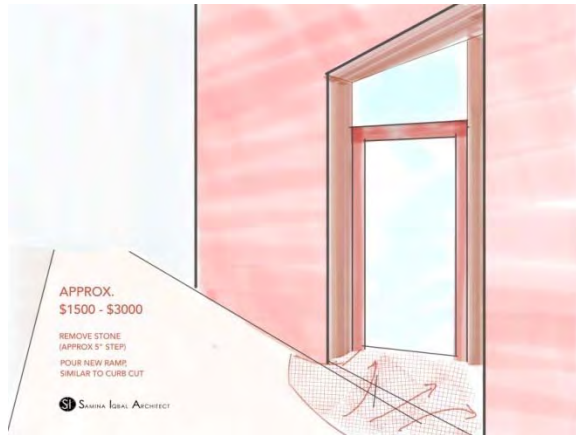
The consequences for non-compliance



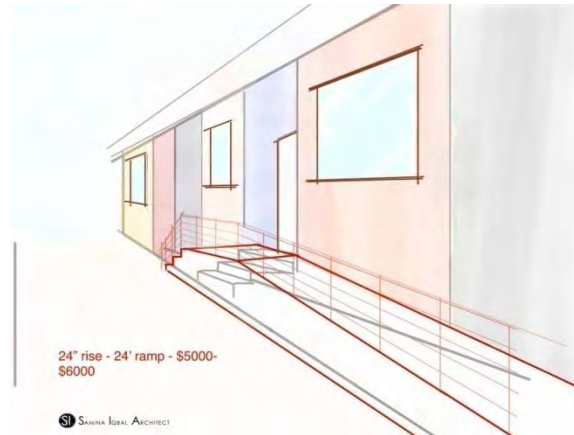
The screenshot shows the ADA.gov website. At the top, there is a header with the ADA.gov logo, the text "Information and Technical Assistance on the Americans with Disabilities Act", and a search bar. Below the header is a navigation bar with links: "Law / Regulations", "Design Standards", "Technical Assistance Materials", and "Enforcement". The main content area is titled "How to File an Americans with Disabilities Act Complaint with the U.S. Department of Justice". It includes a link "En Español" and a section "You can file an Americans with Disabilities Act (ADA) complaint alleging disability discrimination against a State or local government or a public accommodation (private business including, for example, a restaurant, doctor's office, retail store, hotel, etc.). A complaint can be filed online using the link below, by mail, or by facsimile." The section "To file an ADA complaint online" provides a link to the "Civil Rights Division Online Complaint Form". The section "To file an ADA complaint by mail" provides the address: "U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, NW, 4CON, 9th Floor, Washington, DC 20530". The section "To file an ADA complaint by facsimile" provides the fax number: "(202) 307-1197". It also includes a note: "Please keep a copy of your complaint and the original documents for your own records." Below this is a section "Common Questions About Filing a Complaint" with a list of 8 questions. The first question is "1. How can I file an ADA complaint with the Department of Justice?" and the answer is "If you believe that you or another person has been discriminated against by an entity covered by the ADA, you may file a complaint with the Disability Rights Section (DRS) in the Department of Justice. You may submit your complaint online or by mail or facsimile. (Letters and packages

Key Elements of ADA

Common barriers situations and how barrier removal might be accomplished



One step up.



Three steps up, ramp parallel to building.



Several storefronts sharing one ramp, with stairs cutting in at each storefront.



Lift in tight and high conditions.

Key Elements of ADA

Federal tax credit available for businesses with less than \$1 million in revenue
50% of modification for expenditure of up to \$10,250 for a maximum \$5000 credit. Also tax deduction for barrier removal.

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



Expanding Your Market



ADA Business Connection

More than fifty million Americans with disabilities make up a huge, nearly untapped market for businesses of all types and sizes. To help businesses welcome customers with disabilities, the IRS offers two tax incentives to remove access barriers.

Tax Incentives for Businesses

Businesses can take advantage of two Federal tax incentives available to help cover costs of making access improvements for customers with disabilities:

- **A tax credit for small businesses** who remove access barriers from their facilities, provide accessible services, or take other steps to improve accessibility for customers with disabilities
- **A tax deduction for businesses** of all sizes that remove access barriers in their facilities or vehicles

A business that annually incurs eligible expenses to bring itself into compliance with the ADA may use these tax incentives every year. The incentives may be applied to a variety of expenditures; however, they may not be applied to the costs of new construction. All barrier removal must comply with applicable Federal accessibility standards.

Tax Credit

Small businesses with 30 or fewer employees or total revenues of \$1 million or less can use the Disabled Access Credit (Internal Revenue Code, Section 44). Eligible small businesses may take a credit of up to \$5,000 (half of eligible expenses up to \$10,250, with no credit for the first \$250) to offset their costs for access, including barrier removal from their facilities (e.g., widening a doorway, installing a ramp), provision of accessibility services (e.g., sign language interpreters), provision of printed material in alternate formats (e.g., large-print, audio, Braille), and provision or modification of equipment.

Tax Incentives Forms and Publications

Visit the Internal Revenue Service website at www.irs.gov or call 800-829-3676 (voice); 800-829-4059 (TTY) to order the necessary business forms and publications: **Form 8826 (Disabled Access Credit)** and **Publication 535 "Business Expenses"** (tax deduction).

Questions and Discussion